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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/039,243 | 01/04/2002 | Edward Balassanian | 3802-4059 | 7305 |

7590

05/27/2005

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| EXAMINER |
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PITARO, RYAN F

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| ART UNIT | PAPER NUMBER |
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2174

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,243

Applicant(s)

BALASSANIAN, EDWARD

Examiner

Ryan F Pitaro

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-25 have been examined.

Response to Amendment

1. This communication is responsive to Amendment A, filed 2/2/2005.
2. Claims 1-25 are pending in this application. Claims 1,11 are independent claims. In the Amendment A, Claims 17-18 were amended. This action is made Final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5,7-10 are rejected under 35 U.S.C. 102(e) as being unpatentable by Windows Media Player v.7.00 ("wmp7").

As per claim independent claim 1, wmp7 discloses a method in a computer system for specifying media to be rendered at appliances, the method comprising:

Art Unit: 2174

identifying appliances available to render media (Figure 6 item 670, Fig 8 item 830; *wherein appliances include cd player, computer*), identifying media sources (Figure 6 item 670; *audio, video, radio tuner*) receiving a definition of a plurality of activities, each activity specifying an appliance and a media source (Figure 2 item 250 and Figure 8 item 830; *cd audio and source album in this case unknown album title*) displaying an indication of activities ((Figure 2 item 250 and Figure 8 item 830; *cd audio and source album in this case unknown album title*), receiving selection of an activity (Figure 2 item 250) indicating that media associated with the media source of the selected activity is to be rendered on the appliance of the selected activity (Figure 2 item 250 and Figure 8 item 830; *wherein cd is playing through the cd player*), and displaying a media bar for controlling the rendering of the media on the appliance of the selected activity (Figure 1 items 10-50).

As per claim 2, which is dependent on claim 1, wmp7 discloses a method wherein the media bar includes a main control button (Figure 1 item 10) a forward button (Figure 1 item 50), a fast forward button (Figure 1 item 40), a back button (Figure 1 item 20), and a fast back button (Figure 1 item 30).

As per claim 3, which is dependent on claim 2, wmp7 discloses a method wherein the buttons have the same relative position regardless of the selected activity (Figure 3 and Figure 4; *wherein figure 3 is an audio player and figure 4 is a video player*).

As per claim 4, which is dependent on claim 2, wmp7 discloses a method wherein each button has a button icon that is customized to the selected activity (*each*

button will inherently be specific for each activity i.e. playing video and audio requires different support mechanisms such as codecs, therefore pressing play will start the media specific format controllers).

As per claim 5, which is dependent on claim 2, wmp7 discloses a method wherein the main control button supports play (Figure 1 item 10) and pause (Figure 3 item 310) functions.

As per claim 7, which is dependent on claim 2, wmp7 discloses a method wherein the media bar further includes an add activity button (Figure 6 item 650) and a delete activity button (Figure 6 item 660).

As per claim 8, which is dependent on claim 2, wmp7 discloses a method wherein the media bar includes a toggle view button (Figure 1 item 60).

As per claim 9, which is dependent on claim 1, wmp7 discloses a method including displaying a list of active activities along with the media bar (Figure 8 item 830).

As per claim, 10, which is dependent on claim 1, wmp7 discloses a method wherein the media bar is similar in appearance to physical controls of a device (Figure 1 items 10-50;*wherein controls are similar to those of a traditional cd player*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Windows Media Player v.7.00 ("wmp7").

As per claim 6, which is dependent on claim 2, wmp7 fails to distinctly point out circular buttons and the specific positioning of the buttons wherein the forward and fast forward buttons are right of the main control button and the back and fast back buttons are left of the main control button. However, Official Notice is taken that circular buttons and positioning of buttons is merely a design choice and is notoriously well known in the art examples of which are: Figure 5 wherein a "skin" is applied to windows media player to alter the look and feel of the player, or Figure 33 of EP 0 637 157 A2. Therefore it would have been obvious to an artisan at the time of the invention to combine the method of wmp7 with the current teachings. Motivation to do so would have been to make the interface more aesthetically pleasing.

5. Claims 11-16,20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windows Media Player v.7.00 ("wmp7") in view of Hatakeyama ("Hatakeyama", EP 0 883 320 A2)

As per claim independent claim 11, wmp7 discloses a method in a computer system for providing a media bar for controlling rendering different types of media onto appliances, the method comprising: identifying media for rendering on an appliance, the media having a media type (Figure 6); retrieving an indication of controls used to control media of the identified media type (*media player will inherently be*

specific for each activity i.e. playing video and audio requires different support mechanisms such as codecs) ; and displaying a media bar for controlling the rendering of the of the identified media on the appliance wherein buttons of the media bar have the same shape and position regardless of the media type (Figure 3 and Figure 4; *wherein figure 3 is an audio player and figure 4 is a video player*). Wmp7 does not distinctly disclose icons changing depending on the media. However Hatakeyama teaches a method wherein iconic buttons change depending on the media (Figure 7a, 7b, 7c Column 16 lines 11-17). Therefore it would have been obvious to an artisan at the time of the invention to combine the interface of wmp7 with the teaching of Hatakeyama's media specific icons. Motivation to do so would have been to provide a less confusing interface for the user limiting the number of buttons.

As per claim 12, which is dependent on claim 11, the modified wmp7 discloses a method wherein the buttons are horizontally arranged (Figure 1).

As per claim 13, which is dependent on claim 11, the modified wmp7 discloses a method wherein the media bar includes a main control button (Figure 1 item 10) a forward button (Figure 1 item 50), a fast forward button (Figure 1 item 40), a back button (Figure 1 item 20), and a fast back button (Figure 1 item 30).

As per claim 14, which is dependent on claim 13, the modified wmp7 discloses a method wherein the main control button supports play (Figure 1 item 10) and pause (Figure 3 item 310) functions.

As per claim 15, which is dependent on claim 13, the modified wmp7 discloses a method wherein the media bar further includes an add activity button (Figure 6 item 650) and a delete activity button (Figure 6 item 660).

As per claim 16, which is dependent on claim 13, the modified wmp7 discloses a method wherein the media bar includes a toggle view button (Figure 1 item 60).

As per claim 20, which is dependent on claim 11, the modified wmp7 discloses a method including displaying a list of active activities along with the media bar (Figure 8 item 830).

As per claim, 21, which is dependent on claim 11, the modified wmp7 discloses a method wherein the media bar is similar in appearance to physical controls of a device (Figure 1 items 10-50;*wherein controls are similar to those of a traditional cd player*).

As per claim 22, which is dependent on claim 11, the modified wmp7 does not distinctly point out additional buttons. However, Hatakeyama teaches a method including displaying additional buttons that are specific to the media type (Figure 7a, 7b, 7c, Column 16 lines 11-17). Therefore it would have been obvious to an artisan at the time of the invention to combine the interface of wmp7 with the teaching of Hatakeyama's media additional buttons. Motivation to do so would have been to provide a less confusing interface for the user limiting the number of buttons.

As per claim 23, which is dependent on claim 22, the modified wmp7 discloses a method wherein the additional buttons are not displayed as part of the media bar (Hatakeyama, Figure 7a, 7b, 7c item 64).

As per claim 24, which is dependent on claim 11, the modified wmp7 discloses a method including displaying a list of active activities along with the media bar (wmp7, Figure 8 item 830) and when an activity is selected displaying additional buttons that are specific to a media type associated with the selected activity (Hatakeyama, Figure 7a, 7b, 7c item 64)

6. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windows Media Player v.7.00 ("wmp7") in view of Hatakeyama ("Hatakeyama", EP 0 883 320 A2).

As per claim 17, which is dependent on claim 11, the modified wmp7 fails to distinctly point out circular buttons and the specific positioning of the buttons wherein the forward and fast forward buttons are right of the main control button and the back and fast back buttons are left of the main control button. However, Official Notice is taken that circular buttons and positioning of buttons is merely a design choice and is notoriously well known in the art examples of which are: Figure 5 wherein a "skin" is applied to windows media player to alter the look and feel of the player, or Figure 33 of EP 0 637 157 A2. Therefore it would have been obvious to an artisan at the time of the invention to combine the method of wmp7 with the current teachings. Motivation to do so would have been to make the interface more aesthetically pleasing.

Claim 18 is similar in scope to claim 17, and is therefore rejected under similar rationale.

As per claim 19, which is dependent on claim 18, wmp7 discloses a method wherein the main control button is larger than the other buttons (Figure 1 item 10).

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Windows Media Player v.7.00 ("wmp7") in view of Hatakeyama ("Hatakeyama", EP 0 883 320 A2) in further view of Partridge et al ("Partridge", US 6,657,646).

As per claim 25, which is dependent on claim 11, the modified wmp7 fails to distinctly point out a setup button. However, Partridge teaches a media bar including a setup button (Figure 4 item 98). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified wmp7 with the teaching of Partridge's setup button. Motivation to do so would have been to provide means for a user to navigate to a setup page.

Response to Arguments

Applicant's arguments filed on February 22, 2005 have been fully considered but they are not persuasive.

The applicant argues that:

(a) Wmp7 does not anticipate at least identifying appliances available to render media

(b) Wmp7 does not anticipate receiving a definition of a plurality of activities, each activity specifying an appliance and a media source.

The Examiner respectfully disagrees for the following reasons:

(a) Webster's dictionary defines an appliance as an instrument or device designed for a particular use; in this case the appliance would be a cd-rom as cited in the previous office action. A cd-rom is used specifically for reading cds, which is the media source. On the media source audio and video and other data may be stored.

(b) Playing music and videos are some activities defined by Wmp7, and playing an audio cd, as shown in Figure 2, teaches specifying an appliance, cd-rom, and a media source, which is an audio cd as seen in Figure 8.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2174

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Pitaro whose telephone number is (703) 605-1205. The examiner can normally be reached on 7:00am - 4:30pm Monday through Thursday, and every other Friday. The Patent Office is moving, after mid October the new telephone number where Ryan Pitaro can be reached is (571) 272 - 4071.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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